

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

COHEN, SEGLIAS, PALLAS, GREENHALL, & FURMAN, P.C.

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Caption in Compliance with D.N.J. LBR 9004-1

In re:	Chapter 11
HOLLISTER CONSTRUCTION SERVICES, LLC	Case No. 19-27439 (MBK)
Debtor.	<u>REQUESTED HEARING DATE:</u> FEBRUARY 13, 2019, 10 a.m.

**APPLICATION FOR AN ORDER SHORTENING TIME PERIOD FOR NOTICE
UNDER FED. BANKR. P. 9006(c)(1) AND LIMITING NOTICE ON CREDITOR
MIXONSITE USA, INC.’S MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

Creditor MixOnSite USA, Inc. (the “MixOnSite” or “Creditor”), by and through its undersigned counsel, hereby submits this application (the “Application”) for entry of an order shortening the time period for notice of a hearing under Rule 9006(c)(1) and limiting notice with respect to MixOnSite’s Motion for Relief from the Automatic Stay.

JURISDICTION, VENUE, AND STATUTORY PREDICATES

1. This Court has jurisdiction over this Application and the Motion pursuant to 28

U.S.C. §§ 157 and 1334 and the Standing Order of Reference to the Bankruptcy Court Under Title 11 of the United States District Court for the District of New Jersey, entered on July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.).

2. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

3. Venue is proper in this District under 28 U.S.C. §§ 1408 and 1409.

4. The statutory predicates for the relief requested in this Application and the Motion are sections 105(a), 363, 365 of title 11 of the United States Code (the “Bankruptcy Code”), as supplemented by Rules 6004, 6006, 9006 and 9019 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Local Rule 9013-2(c).

BACKGROUND

5. On September 11, 2019, Hollister Construction Services, LLC (“Debtor”) filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code, thereby initiating the above-captioned Chapter 11 case.

6. MixOnSite respectfully refers the Court to its accompanying Motion for Relief and Certification of Jordan Weiner with Exhibits for all relevant background on this Application.

GOOD CAUSE EXISTS TO SHORTEN TIME

7. The regular notice period applicable to motions in this Court is 30 days. However, Bankruptcy Rule 9006(c) and Local Rule 9013-2(c) authorize the Court to shorten the notice period and limit notice on motions for cause shown.

8. MixOnSite respectfully submits that good cause exists to shorten the notice of the Motion. By the Motion, MixOnSite seeks the entry of an order to: (a) Protect and pursue its lien foreclosure claim previously begun in the matter entitled *MixOnSite USA, Inc. v. Newark Warehouse Redeveloper Company, LLC, et al.*, Docket No. ESX-L-4884-19 (the “Stayed

Action”); (b) Pursue its claims against the non-Debtor parties in the Stayed Action; and (3) Potentially seek consolidation of the Stayed Action with other related and newly-filed state court construction lien foreclosure actions involving the same Ironside Project, at least one of which is currently proceeding as the Plaintiff was granted a lift of its Automatic Stay.

9. Recently, other creditors on the relevant project located at 110 Edison Place, Block 159.01, Lot 11 on the tax map of the City of Newark, County of Essex, State of New Jersey, Parcel Number 14-00159-01-00011 (the “Ironside Project”) have sought, and been granted relief, from the automatic stay. Following this, these creditors have commenced at least one construction lien foreclosure case in New Jersey state court related to the Ironside Project and are proceeding to the discovery phase of litigation.

10. Accordingly, the Debtor requests the Court schedule a hearing on the Motion for **Thursday, February 13, 2020 at 10:00 a.m.**

11. MixOnSite seeks an expedited hearing on the Motion because other subcontractors have commenced construction lien foreclosure actions regarding the Ironside Project, on which MixOnSite performed services for Debtor and the property owners.

12. Additionally, MixOnSite is a named defendant in such action despite its own pending, previously filed litigation that is still subject to the Automatic Stay.

13. Further, as MixOnSite seeks to only protect and pursue its lien rights, as well as pursue its claims against only non-Debtor parties in the Stayed Action, the Debtor will *not* be prejudiced by the hearing of the Motion on shorter notice.

GOOD CAUSE EXISTS TO LIMIT NOTICE

14. MixOnSite proposes to serve this Application and Notice of Motion on: (i) Office of the United States Trustee, (ii) Debtor Hollister Construction Services, LLC, (iii) Creditor

Newark Warehouse Redeveloper Company, LLC, (iv) Newark Warehouse Urban Renewal, LLC, and (v) Edison Properties. As these entities are the Trustee, Debtor, and relevant Project Owners, MixOnSite submits that the proposed notice of both the Application and the Motion is good and adequate under the circumstances.

WHEREFORE, MixOnSite requests entry of the order submitted herewith shortening the time for a hearing and limiting notice on the Motion, setting a hearing on the Motion for **February 13, 2020 at 10:00 a.m.**, and granting such other and further relief as the Court deems just and proper.

Dated: January 23, 2020
Newark, New Jersey



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